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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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judgment interest on the total sum at the current allowable post-judgment interest annual rate of 0.11%, and court costs.

IT IS FURTHER ORDERED that Cool Enterprises, LLC, Mark E. Schiffgens, Adam Zarafshani and Conleth S. O'Connell, Jr., as well as their agents, employees, representatives, and all persons acting in concert with them or under their control, be permanently enjoined and/or required to:

i. immediately cease to hold themselves out as franchisees of Baskin-Robbins, and shall not, directly or indirectly, represent to the public or hold themselves out as present or former franchisees of Baskin-Robbins;

ii. immediately cease to use, in advertising or in any other manner whatsoever, and refrain from disclosing, revealing, or publishing any feature of method associated with the Baskin-Robbins System, any Baskin-Robbins Marks, and any other trade names, trademarks, trade secrets, confidential information, operating manuals, slogans, trade dress, signs, symbols, or devices which are part of the Baskin-Robbins System;

iii. immediately return to Baskin-Robbins all operating manuals, plans, specifications, and other materials in their possession containing information prepared by Baskin-Robbins, and all copies thereof, and not retain, copy, or record of any of the foregoing, except the Defendants' copy of the Franchise Agreement, any correspondence between the parties, and any other documents reasonably needed for compliance with any provision of law;

iv. immediately remove from the Store at 12407 N. Mopac Expressway, Suite 115, Austin, Texas 78758, and from any Equipment, signs, trade fixtures, furnishings and other personal property and return to Baskin-Robbins, all of the Baskin-Robbins Marks or other indicia of Baskin-Robbins, and disconnect, withdraw and/or terminate any telephone listings and/or fictitious name registration containing any part of the Baskin-Robbins Marks; upon demand, assign to Baskin-Robbins any telephone number used in the operation of the Store if such number is listed in the directory using any of the Baskin-Robbins Marks;

v. immediately destroy or surrender to Baskin-Robbins all signs, stationery, forms, printed matter, advertising, and paper goods containing the Baskin-Robbins Marks and any name or mark containing the designation "Baskin-Robbins" and every other

deceptively similar name and mark, or any other designation indicating or intending to indicate that they are an authorized Baskin-Robbins franchisee;

vi. make such modifications or alterations to the Store as may be necessary to distinguish it from that of units in the Baskin-Robbins System;

vii. refrain from using, in connection with any business or the promotion thereof, any reproduction, counterfeit, copy or colorable imitation of any of the Baskin-Robbins Marks or trade dress;

viii. refrain from utilizing any designation of origin or description or representation that falsely suggests or represents any association or connection by Defendants or the Store with Baskin-Robbins;

ix. refrain from preventing or limiting authorized representatives of Baskin-Robbins from access to books, records, and accounts of the Defendants to ascertain the extent of Baskin-Robbins' damages as a result of the Defendants' conduct; and

x. refrain, for a two (2) year period following termination of the Franchise Agreement and within a five (5) miles radius of the Premises, from owning, maintaining, being employed by, or having any interest in any other business which sells or offers to sell the same or substantially similar products to the type Baskin-Robbins requires to be offered at the Premises.

This judgment is final, disposes of all claims and all parties, and is appealable. Plaintiff is allowed such writs, abstracts and processes as may be necessary in the enforcement and collection of this judgment. The Court orders execution to issue for this judgment.

SIGNED this the 28th day of May, 2013.


UNITED STATES DISTRICT JUDGE